

3 PRIMROSE STREET  
NEWTOWN, CT 06470  
TEL. (203) 270-4276



**TOWN OF NEWTOWN  
ZONING BOARD OF APPEALS**

**MINUTES  
REGULAR MEETING**

Wednesday, August 4, 2021 – 7:30 PM  
Newtown Community Center, the Meeting Room  
8 Simpson Street, Newtown CT 06470

**Present:** Ross Carley, Jane Sharpe, Rachel Rowan, Joseph Bojnowski

**Absent:** Alan Clavette, Prerna Rao, Christina Paradis

**Also Present:** Stephen Hnatuk, Land Use Officer, Helen Fahey, Clerk

Mr. Carley called the meeting to order at 7:33 p.m.

**Public Hearings**

**ZBA Application #21-07 by Hans Barth, for a property located at 254 Berkshire Road, for a Variance of the Zoning Regulations of the Town of Newtown §8.03.222, so as to permit the placement of a shed forty feet from the road in lieu of the required fifty, as shown on a set of plans titled “Zoning Location Survey (showing Proposed Structure), 254 Berkshire Road, Sandy Hook, CT”, date revised 1/11/21.**

Mr. Carley motioned to table the application due the absence of applicant or representative. Ms. Sharpe seconded. All in favor.

**ZBA Application #21-08 by David & Carla Barzetti, for a property located at 16 Beaver Dam Road, for a Variance of the Zoning Regulations of the Town of Newtown §7.02.100, so as to permit the placement of a shed and pavilion outside the setbacks set forth in Chart VII-1, as shown on a set of plans titled “AS-Built Plot Plan Improvement Location Survey Lot 4 Miller Ridge Property Located at 16 Beaver Dam Road, Newtown, CT”, date revised 2/22/21.**

Mrs. Barzetti described her property, explaining that their 19 acres is surrounded by wetlands making it hard to build anything. When they went to build the pavilion she called Land Use and was told by Mr. Hnatuk that they did not need a permit. Ms. Barzetti said she thought they were within the setbacks when they built the structures. Due to the property layout it was placed as far away from wetlands as possible so they didn't have to cut trees or disturb the land.

Mr. Carley asked Mr. Hantuk for comment.

Mr. Hnatuk stated that grievances toward zoning officers is irrelevant. There may have been a miscommunication, but the pavilion was built without permits and the shed is 14x30 making it a structure.

Mr. Carley asked how noncompliant the structures are.

Mr. Hnatuk said the pavilion was 6-8ft out of compliance but the shed was near 30ft out of compliance.

Mr. Bojnowski said he was trying to understand if the hardship was topography or if it was just an aesthetic issue.

Mrs. Barzetti thought there would be an issue if they disturbed the wetlands, there is a steep difference in elevation so they picked the flattest area of land for their structures.

Mr. Bojnowski asked if they could move the shed to make it compliant or remove a portion of the pavilion.

Mr. Barzetti said the a portion of the pavilion could be removed and Mrs. Barzetti explained that to move the shed they would have to cut trees down and fill in some of the swap which she didn't want to do.

Ms. Sharpe stated that there seemed to be confusion between wetlands and other land use departments. She explained that the Zoning Board of Appeals Commission listens for a hardship and the commissioners are having a hard time identifying that.

Mr. Carley said removing the back portion of the pavilion is a possible solution and asked Mr. Hnatuk if moving the shed 30ft would be possible.

Mr. Hnatuk, who is also a wetlands official, explained based on their land moving the shed 30ft in would trigger a wetlands application.

Mrs. Rowan questioned the timeline that the structures were built. She asked if the pavilion was built in May without permits and if the shed was built after the Barzetti's knew their pavilion was non-compliant.

Mr. Hnatuk had records of the violations that stated on Oct.1, 2020 he made a phone call about the pavilion structure. He sent follow up emails on December 11, 2020 and January 22, 2021. The shed was erected January 26, 2021.

Mr. Carley said the hardship is topography, but was struggling with the fact the structures already exist as usually variances are granted before building.

With no further comment from the ZBA, Mr. Carley invited public comment.

Mrs. Barzetti read letter from Enid Yesenia Nesheiwat of 18 Beaver Dam Road into record (see Attached).

Pat Scappatura of 4 Beaver Dam Road stated her husband can see it from their kitchen window every morning and it is an eye sore. She is concerned that in the winter it will be even more visible.

Ms. Sharpe asked if the shed was moved would it still be visible.

Mr. and Mrs. Barzetti discussed the possibility of planting arborvitaes or thuja trees around the shed to hide it year round.

Beverly Palo of 118 Brushy Hill Road had concerns with the fire pit getting out of control if there was a party and with no electricity or water it could be a dangerous situation.

Mrs. Rowan stated she had all the information needed to make a decision.

With no further comments, Mr. Carley declared the hearing closed at 8:16pm.

### **Discussion and Action**

Mr. Carley said that offering to plant more trees to cover it for neighbors and removing some of the pavilion doesn't justify that the structures were built without permits and are non-compliant. The shed being 30ft out of compliance is too far.

Ms. Sharpe said it sounded like they built these structures without the proper discussion. It seems as though the structures were built from a personal and ecological standpoint.

The commissioners discussed and were in agreeance that the shed needed to be removed completely or moved into compliance. There was discussion on whether a portion of the pavilion should get removed or if it could stay based on a topography hardship.

Mr. Hnatuk explained that they could grant a variance on the pavilion with a condition of approval that the shed be removed or moved into compliance.

*Ms. Sharpe moved to approve Application #21-08 with the condition that the shed be removed completely or moved into compliance stating that the variance would be on the topography of the property. Ms. Rowan seconded. The Board voted as follows:*

*Jane Sharpe- AYE*

*Ross Carley - AYE*

*Joe Bojnowski - AYE*

*Rachel Rowan – AYE*

*The motion to approve Application 21-08 carried 4-0.*

### **Minutes**

Mr. Bojnowski moved to approve the minutes from the meeting of July 7, 2021. Mr. Carley seconded. All were in favor and the minutes from the meeting of July 7, 2021 were approved.

### **Adjournment**

Ms. Rowan moved to adjourn the meeting. Mr. Bojnowksi seconded. All were in favor and the meeting was adjourned at 9:10 p.m.

*Respectfully submitted,  
Helen Fahey, clerk*

Carla and David Barzetti  
16 Beaver Dam Rd.  
Newtown, CT 06470

Dear Carla and David,

I am in receipt of your letter dated July 4, 2021,  
wherein you inform us of your intentions to file  
for a variance and your intentions for your land.

We advised that Jerry and I have no objection  
whatsoever, and hope you are granted the variance.  
It sounds like a lovely use for your land.

If there is anything more we can do to assist  
in this matter, please let us know.

Sincerely,

Eric Yorenia Niska  
18 Beaver Dam Road  
Newtown, CT 06470



received  
8-4-21  
HF